

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LILY MORRIS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	<b><u>ORDER</u></b>
	:	
TREGO/DUGAN AVIATION OF GRAND	:	
ISLAND INC, ALLEGIANT AIR LLC, and	:	20 CV 7755 (VB)
JOHN DOES 1-10	:	
	:	
Defendants.	:	
-----X		

On February 22, 2021, defendants filed a letter-motion seeking a court order requiring plaintiff to submit to an independent medical examination. See Fed. R. Civ. P. 35. (Doc. #23).

By text order the same day, the Court deferred ruling on defendants' motion and ordered plaintiff to respond by letter. (Doc. #24). The Court noted it expected the parties to resolve the matter among themselves and without the need for further Court intervention, and reminded the parties of their obligation to comply with Local Civil Rule 26.4, which requires all parties to "cooperate with each other . . . in all phases of the discovery process and to be courteous in their dealings with each other, including in matters relating to scheduling and timing of various discovery procedures."

On February 23, 2021, plaintiff filed a cross-motion seeking an extension of several discovery deadlines. (Docs. ##25, 27, 28, 29). Plaintiff states the purpose for the requested extension is to complete depositions of certain witnesses, including of defendants' representatives. (Doc. #25). Shortly thereafter, defendants filed an opposition to plaintiff's request for a discovery extension. (Doc. #30).

In their response to plaintiff's cross-motion, defendants note plaintiff had agreed to submit to an independent medical examination. (Doc. #30). Correspondence attached to plaintiff's motion corroborates defendants' assertion. (Doc. #29-2). Accordingly, defendants' request for an order requiring plaintiff to submit to an independent medical examination is GRANTED. The Court will separately sign and docket the proposed Rule 35 order.

Furthermore, plaintiff has demonstrated good cause to modify the scheduling order, and the extensions requested are reasonable. Accordingly, plaintiff's motion for a discovery extension is GRANTED. The Court will separately sign and docket the proposed revised civil case discovery plan and scheduling order.

The Court does not appreciate having its time wasted by having to resolve routine matters that are either consented to or can be easily handled between the parties, and expects counsel to be more cooperative going forward.

The Clerk is instructed to terminate the motions. (Docs. ##23, 25, 28, 29).

Dated: February 24, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge